

Remarks

Claims 1-90 are currently pending. Claims 1-16 and 19-41 have been allowed. Claims 17, 18, 42, 59, 60 and 84 have been withdrawn. With respect to the withdrawn claims, the Examiner has indicated that the "withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined." Office Action, page 2, first paragraph. Thus, upon allowance of the claims 3, 29, 45 and 71, Applicants respectfully request rejoinder of withdrawn process claims 17, 18, 42, 59, 60 and 84. No new matter has been added.

Formal Matters

Amendment of the Title

A new title that is "clearly indicative of the invention to which the claims are directed" has been requested. Office Action, page 3, second paragraph. In response to this request, Applicants have herein amended the title to read: "Antibodies to T1 Receptor-like Ligand II."

Rejections under 35 U.S.C. § 112

Claims 85-90

Claims 85-90 were rejected under 35 U.S.C. § 112 as allegedly indefinite "because it is unclear whether 'a T1R-like ligand II protein' is the same as SEQ ID NO:2." Office Action, page 3, fourth paragraph.

In response, Applicants have amended claim 85 such that the isolated antibody binds a "T1R-like ligand II protein" wherein the protein is encoded by a polynucleotide encoding amino acids 1 to 203 of SEQ ID NO:2. Thus, the objectionable language has been clarified. Accordingly, Applicants respectfully request that the rejection of claims 85-90 under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

Claims 43-58 and 61-83

Claims 43-58 and 61-83 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Consequently, the Examiner has requested an affidavit or declaration regarding the deposit to overcome the rejection. *See*, Office Action, page 4.

Since the cDNA was deposited under the terms of the Budapest Treaty, in accordance with the Examiner's request for an affidavit or declaration regarding the deposit, the following declaration is respectfully submitted:

Availability of the Deposit

Human Genome Sciences, Inc., the assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209 (present address). The deposit was made on July 12, 1996, accepted by the ATCC, and given ATCC Accession Number 97655. In accordance with M.P.E.P. § 2410.01 and 37 C.F.R. § 1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number 97655 will be irrevocably removed upon the grant of a patent based on the instant application, except as permitted under 37 C.F.R. § 1.808(b). A partially redacted copy of the ATCC Deposit Receipt for Accession Number 97655 is enclosed herewith as Exhibit A.

In view of the above affirmation and explanation, attested to by the signature (below) of the Attorney for the Applicants, it is respectfully requested that the rejection of claims 43-58 and 61-83 be reconsidered and withdrawn.

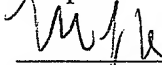
Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Dated: 2/1/2007

Respectfully submitted,



Mark J. Hyman

Registration No.: 46,789
HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850
(240) 314-1224

MJH/PF/ba

Exhibit A



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 908-768 ATCCROVE • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

REDACTED

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.
Attn: Robert H. Benson
9410 Key West Avenue
Rockville, MD 20850

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA plasmid 1275014

97655 -- PF293

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received July 12, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 19, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: July 22, 1996